

Date of Hearing: April 5, 2017

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Evan Low, Chair

AB 855 (Low) – As Introduced February 16, 2017

SUBJECT: Voter registration: regulations.

SUMMARY: Requires counties to periodically update programs intended to identify and register to vote individuals who are qualified, but not registered, to vote. Specifically, **this bill:**

- 1) Requires that regulations adopted by the Secretary of State (SOS) to prescribe minimum requirements for county programs intended to identify qualified electors who are not registered voters, and to register those people to vote, must provide for counties to update those programs periodically.
- 2) Makes a corresponding change.

EXISTING LAW:

- 1) Declares the intent of the Legislature that voter registration be maintained at the highest possible level.
- 2) Requires the SOS to adopt regulations requiring each county to design and implement programs intended to identify qualified electors who are not registered voters, and to register those persons to vote. Requires the SOS to adopt regulations prescribing minimum requirements for those programs. Requires the SOS, if he or she finds that a county has not designed and implemented a program meeting the minimum requirements, to design a program for that county and to report the violation to the Attorney General.

FISCAL EFFECT: Unknown. State-mandated local program; contains reimbursement direction.

COMMENTS:

- 1) **Purpose of the Bill:** According to the author:

Since the mid-1970s, California counties have been required to design and implement programs intended to identify qualified electors who are not registered voters, and to register such persons to vote, subject to regulations developed by the Secretary of State. This requirement helps ensure that elections officials evaluate the challenges in providing for full voter participation, and take steps to address participation in underrepresented communities. While most counties adopted voter outreach plans and submitted them to the Secretary of State in accordance with these requirements, updates to the submitted plans have been inconsistent.

Since the Secretary of State's office adopted the original regulations governing voter outreach plans, and since the counties submitted plans in accordance with

those regulations, voter registration processes have changed significantly. Under federal law, voter registration opportunities now are required to be broadly available at offices that provide public assistance and state-funded programs, and the state now offers online voter registration. Furthermore, the state soon will implement the California New Motor Voter Program, which will require eligible voters who apply for a driver's license or state identification card to be registered to vote unless they opt out.

AB 855 simply requires that elections officials periodically review and update their voter registration and outreach programs to ensure that resources are being prioritized to address current barriers to voter participation.

- 2) **County Voter Registration and Outreach Plans and Previous Legislation:** Until 1975, Californians who wanted to register to vote were required to complete a voter registration affidavit in the presence of a county clerk or a deputy county clerk. AB 822 (Keysor), Chapter 704, Statutes of 1975, first permitted completed voter registration affidavits to be submitted by mail. Among other provisions, AB 822 also required the SOS to adopt regulations requiring counties to design and implement programs to identify qualified electors who are not registered to vote, and to register them to vote. In 1976, the SOS adopted emergency regulations that require counties to submit voter outreach plans for review by the SOS.

According to information from the office of the SOS, following the adoption of the emergency regulations in 1976, 54 counties submitted outreach plans, and while some counties continued to submit updated plans, those updates were periodic and inconsistent. The emergency regulations that were adopted by the SOS have not been updated, and as a result, those regulations include various obsolete procedures and timelines. Furthermore, the regulations do not reflect current voter registration practices, including the availability of online voter registration and pre-registration for 16- and 17-year-olds, and federal requirements that public agencies provide voter registration opportunities in certain situations.

- 3) **California New Motor Voter Program:** AB 1461 (Gonzalez), Chapter 729, Statutes of 2015, established the "California New Motor Voter Program." AB 1461 provides for every eligible person to be automatically registered to vote when the person submits an application for a driver's license or state identification card, unless that person opts out, as specified. Once the California New Motor Voter Program is fully implemented, it is likely that a significant portion of new voter registrations and updates to existing voter registrations will occur through the Department of Motor Vehicles. As a result, the use of other methods of voter registration may decline. By requiring that voter registration outreach plans be periodically updated, this bill could help ensure that the resources dedicated to voter registration programs are adjusted as the means of voter registration changes.

REGISTERED SUPPORT / OPPOSITION:

Support

Secretary of State Alex Padilla

Opposition

None on file.

Analysis Prepared by: Ethan Jones / E. & R. / (916) 319-2094